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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,376	05/05/2006	Yang Peng	CN030054US1	6602

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EXAMINER
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TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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03/31/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,376	<b>Applicant(s)</b> PENG ET AL.	
	<b>Examiner</b> GELEK TOPGYAL	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 2/9/2010 have been fully considered but they are not persuasive. In re pages 8-10, the applicants present a discussion of an example of what the instant invention is used for. Thereafter, the applicants present the central argument regarding the limitation of "detecting each branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback ... wherein subsequent playing of the content is limited to the branches corresponding to the detected branch indication of the bookmark" as recited in claims 1, 4, 8 and 13. In support of their argument, it is stated that the system of Lamkin and/or Lewis only teaches a reproduction of a single stream presentation and fails to meet the plurality of distinct branches of the content for playback.

3. In response, the examiner respectfully disagrees. It is not agreed upon by the examiner that Lamkin solely teaches a single stream presentation. In meeting the claimed plurality of distinct branches, the examiner has relied upon the different number

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of Angles that are reproducible. Each Angle consists of video that is distinct than the video stored in another angle area, therefore, it is strongly believed that there exists a plurality of distinct branches that are reproducible and not just a single stream presentation. Furthermore, as discussed in col. 21, lines 21+ and col. 13, lines 38-51, the bookmark (branch) information can store information regarding a particular angle to jump to. The bookmark information stores information that identifies a specific branch upon selection from a user. Therefore, the limitations as recited in claims 1, 4, 8 and 13 are met by Lamkin.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-2, 4-5, 8-11 and 13-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al. (US 7,379,661).

**Regarding claim 1**, Lamkin et al. teaches a method for playing content having a plurality of distinct branches playable on a playback device (col. 21, lines 21+ and TABLE 1 teaches of the standard DVD that has multiple angles (1-9) that can be stored. The content has a plurality of different paths that can be reproduced by a playback device), the method comprising acts of:

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detecting a branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback (the user has the ability to stop at the point where the different angle options are available to a user); and

creating a bookmark, corresponding to the detected branch indication, to record relevant information of said branch indication wherein subsequent playing of the content is limited to the branches corresponding to the detected branch indication of the bookmark (col. 21, lines 21+ and col. 13, lines 38-51 teaches of storing a multitude of information regarding the point at which the user decides to create a bookmark. The bookmark information includes among others, the ability to mark a particular Angle being reproduced. Therefore, during playback, the user can use the Bookmark to jump back to the specific Angle that was being reproduced. Each of the angle that is reproducible represents a different and distinct branch of the content. The bookmark information therefore identifies a specific branch upon selection from a user).

**Regarding claim 2**, Lamkin et al. teaches the claimed further comprising acts of: identifying a bookmark corresponding to the branch indication passed during a forward/rewind operation of the playback device (as discussed in claim 1 above, the user can identify the points at which to create a bookmark and similarly upon reproduction while the video is played back during a forward/rewind operation, the user can decide to playback from a desired bookmark. The user can be operate a forward/rewind operation and after passing a point where a bookmark has been placed, the user can decide to initiate the process of playing back video using a bookmark); and

selecting a specific branch of the content to forward/rewind the content according to the information of the bookmark as the navigation (col. 53-54 teaches of “GotoBookmark” instruction, which is the command generated when a user decides to playback the video from the desired bookmarked location (angle information as well)).

**Regarding claim 4**, Lamkin et al. teaches a method for playing content having a plurality of distinct branches associated with an optical disc on a playback device, the method comprising the acts of:

detecting an interruption or pause during navigation of the distinct branches of the content selected for playback (col. 21, lines 21+ and TABLE 1 teaches of the standard DVD that has multiple angles (1-9) that can be stored, the multiple angles are distinct branches of the content unique from one another. The content has a plurality of different paths that can be reproduced by a playback device. The ability of the user to set a bookmark also meets the claimed “interruption”); and

creating a bookmark corresponding to an interruption or pause of the playing to record relevant information of the interruption point or pause point, wherein the bookmark identifies a branch of the plurality of distinct branches of the content selected for playback and subsequent playing of the content is limited to the branches recorded in the bookmark (col. 21, lines 21+ and col. 13, lines 38-51 teaches of storing a multitude of information regarding the point at which the user decides to create a bookmark. The bookmark information includes among others, the ability to mark a particular Angle being reproduced. Therefore, during playback, the user can use the Bookmark to jump back to the specific Angle that was being reproduced. Each of the

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angle that is reproducible represents a different and distinct branch of the content. The bookmark information therefore identifies a specific branch upon selection from a user).

**Regarding claim 5**, Lamkin et al. teaches the claimed wherein the information stored in the bookmark includes at least one a name or an ID of the optical disc (TABLE 1 in col. 21 teaches of TitleNumber that is stored as part of Bookmark information).

**Claims 8-9** are rejected for the same reasons as discussed above in method claims 1-2, respectively.

**Claim 10** is rejected for the same reasons as discussed in claims 1 and 8 above.

**Claims 11 and 16** are rejected for the same reasons as discussed in claims 1 and 8 above and furthermore, col. 54 teaches the storing of bookmarks (SaveBookmark operation).

**Claim 13 and 14** are rejected for the same reasons as discussed above in claims 4 and 6, respectively.

**Claim 15** is rejected for the same reasons as discussed in claims 13 and 4 above.

**Regarding claims 17 and 19**, the system of Lamkin et al. teaches that a DVD includes multiple angles that can be played back, therefore, when multiple angles exist on a DVD, the point at which the branching takes place also exists. Furthermore as discussed in claim 1 above, the user can mark each branch point as a branch indication.

**Claims 18 and 20** are rejected for the same reasons as discussed in claim 4 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3, 6-7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (US 7,379,661) in view of Lewis et al. (US 7,286,747).

**Regarding claim 3**, Lamkin et al. teaches the limitations as discussed in claim 1 above, however fails to teach the claimed further comprising showing the bookmark corresponding to a branch point when meeting the branch point to provide user with a choice.

In an analogous art, Lewis teaches of a display in Fig. 4 that allows the display of the bookmark according to the branch when it is set, and further upon playback from the branch point.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lamkin et al. to display the bookmarks for selection/manipulation as taught by Lewis et al. so that a user can view the different bookmarks at one time.

**Claim 6** is rejected for the same reasons as discussed in claims 3-5 above.

**Regarding claim 7**, Lamkin et al. teaches the claimed further comprising acts of: determining the information of the bookmark if the information stored in the bookmark includes the name or ID of the optical disc which is played (col. 53-54 teaches of



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“GotoBookmark” instruction, which is the command generated when a user decides to playback the video from the desired bookmarked location (angle information as well)); and selecting a specific branch to forward/rewind using the information stored in the determined bookmark for navigation of the content (as discussed above).

**Claim 12** is rejected for the same reasons as discussed in claims 1, 3 and 8 above, and furthermore, Lamkin et al. teaches the ability to jump between sets of bookmarks in col. 5, lines 21-25 and col. 6, lines 5-14.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/  
Primary Examiner, Art Unit 2621